

AMENDMENT UNDER 37 C.F.R. § 1.111
Application Serial No. 10/635,618
Attorney Docket No. Q76690

REMARKS

Summary Of The Office Action & Formalities

Upon entry of this Amendment, claims 1-20 are all the claims pending in the application. Claims 1, 2, 13 and 14 are withdrawn pursuant to the Response to Election Requirement filed on May 13, 2005. By this amendment, claims 3-9 and 11 are amended, and new claims 15-20 are added. Claim 12 is cancelled without prejudice or disclaimer. No new matter is presented.

Applicant thanks the Examiner for acknowledging the claim for foreign priority and for confirming that the certified copy of the priority document was received. Applicant additionally thanks the Examiner for returning the Information Disclosure Statement submitted on August 7, 2003. However, Applicant notes that the Examiner has not indicated acceptance of the drawings submitted on August 7, 2003. Thus, the Examiner is requested to indicate acceptance of the drawings in the next action.

Claims 4-8, 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Further, the prior art rejections are summarized as follows:

1. Claims 3, 9 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by DE '878.
2. Claims 3, 9 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by McCrary (U.S. Patent No. 6,249,724).

Applicant respectfully traverses.

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Claim Rejections - 35 U.S.C. § 102(b)

Initially, Applicant notes that claims 3-9 and 11 are amended to improve the form of these claims. Further, with respect to independent claim 9, Applicant notes that claim 9 is presently amended to incorporate the subject matter of claim 12, which the Examiner indicated as containing allowable subject matter. Therefore, allowance of claim 9 is requested. Further, Applicant submits that dependent claims 10 and 11 are allowable at least by virtue of depending from claim 9.

Further, independent claim 3 is likewise amended to incorporate subject matter of claim 12. For instance, the apparatus of claim 3 requires, *inter alia*, “wherein the transceiver unit is designed to transmit a message received from the rail vehicle ahead, containing the propulsion and braking control information, to the control unit, and that the control unit is so designed that after reception of the message from the rail vehicle ahead and after approach to the rail vehicle ahead up to a predetermined distance, the control unit controls the following rail vehicle in such a way that the following rail vehicle is operated by the propulsion and braking control information received from the rail vehicle ahead.”

Applicant submits that *at least* this feature is not anticipated by either DE ‘878 or McCrary and claim 3 should therefore be allowed.

With respect to McCrary, Applicant notes that McCrary merely teaches that the speed of a plurality of vehicles which are traveling on a roadway maintain a constant speed and spacing. *See* McCrary at col. 13, lines 33-46. However, there is no teaching or suggestion for the transmission of the message containing the propulsion and braking information, or the control of

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the following rail vehicle in the manner claimed. Accordingly, reconsideration and withdrawal of this ground of rejection is requested.

Further, DE '878 merely teaches that following rail vehicles may be virtually coupled by using a distance safety device, wherein multiple coupled vehicles are treated as one vehicle bond by a rail track unit. (See DE '878 at abstract). Indeed, DE '878 does not suggest any data transfer between the rail vehicles. Rather, DE '878 merely teaches that the distance between trains is defined by the braking distance of a following train. Thus, the following train includes a distance security device AS, which is radar sensor or other distance sensor, to detect the braking distance.

However, as discussed above, DE '878 does not suggest any transfer of this information between trains. As a consequence, DE '878 fails to suggest *at least* the feature of the control unit controlling the following rail vehicle in such a way that the following rail vehicle is operated by the propulsion and braking control information received from the rail vehicle ahead. Accordingly, DE '878 fails to teach or suggest all the limitations of claim 3, and reconsideration and withdrawal of the rejection is requested.

In addition, Applicant submits that claims 4-8 are allowable at least by virtue of depending from claim 3, and allowance of claims 4-8 is requested. Further, Applicant notes that DE' 878 fails to suggest that a following train receives information from the platform in the form of either a platform entry signal (as required by claim 7) or a platform exit signal (as required by claim 6).

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New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 15-20, which are believed to be allowable because the prior art does not teach an apparatus for electronically coupling a plurality of vehicles comprising, *inter alia*, a control unit which receives a message including propulsion and braking information of a first vehicle, a transceiver interconnected with the control unit which transmits the message which is received from the first vehicle to a second vehicle which is following the first vehicle, wherein the control unit determines whether the second vehicle is within a predetermined distance of the first vehicle and activates an electronic drawbar which controls propulsion and braking of the second vehicle with the propulsion and braking information which is received from the first vehicle if the control unit determines that the second vehicle is within the predetermined distance of the first vehicle.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Date: September 13, 2005

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